

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER 92-037

SITE CLEANUP REQUIREMENTS FOR:

EAST PALO ALTO INDUSTRIAL AREA,  
MULTIPLE LANDOWNERS  
EAST PALO ALTO  
SAN MATEO COUNTY

DISCHARGERS: SEE ATTACHMENT 1

The California Regional Water Quality Control Board,  
San Francisco Bay Region (hereinafter called the Board) finds  
that:

- I. SITE DESCRIPTION Numerous privately owned parcels or properties comprise the site, located in the Ravenswood Industrial area (RIA) of East Palo Alto, San Mateo County (Figure 1). The site includes about 70 percent of the RIA and is adjacent to wetlands along the western margin of San Francisco Bay. These properties consist generally of agricultural, manufacturing, auto wreckers and, storage facilities for most of their existence with little or no regulation of land-use.
2. SITE HISTORY The site area has been used for agricultural and industrial purposes for at least the past 60 years. All of the properties within the site are currently zoned industrial and the entire RIA is designated a redevelopment area by the East Palo Alto Redevelopment Agency. Some properties within the site are adjacent to the 1990 Bay Road Superfund site and have commingled pollution.
3. REGULATORY STATUS All individual property owners are referred to as dischargers because of their current ownership of the site properties and shall be required to comply with all requirements of this Order for their individual parcels as listed in attachment 1. There may be additional tenants or others who may also be responsible for discharge of pollutants who are not named as dischargers in this Order, but may be included in this Order or other Board action in the future.
4. OTHER REGULATORY ACTION The Sandoz/Rhone Poulenc, 1990 Bay Road site is currently under Board Order. The Romic Chemical site is being handled under the RCRA corrective action program. This Order is not intended to conflict with remedial actions on these sites. Should conflict arise, amendments to this Order may be appropriate.

5. ADJACENT PROPERTIES Adjacent properties in and around the site that comprise the remainder of the RIA, and who are not named in this Board action, may also be sources of pollution. Should investigation by the named dischargers determine that probable contribution of pollution exists from these offsite properties, further Board action may be required.
6. RATIONALE FOR ORDER Regional Board staff are initiating a sub-regional cleanup to address soil and groundwater pollution that pose a threat to surface and groundwater in the Bay margin area of East Palo Alto and also represent potential sources of delay to Board cleanup on adjacent sites. With only few exceptions, properties within the site have not had sufficient investigation to determine the extent of potential soil and groundwater pollution.

Site inspections by Board staff and local agencies indicate soil pollution exists on many of the parcels within the site area. Pollutants not related to the chemicals of concern at the 1990 Bay Road site have been detected in groundwater samples from monitoring wells at the site. Surface runoff from properties within the RIA drains into the wetland where Board staff have observed hydrocarbon sheens on the surface runoff. Because the extent of soil, surface and groundwater pollution has not been determined and these pollutants are impacting the cleanup operations on other sites within the area as well as wetland and surface waters of the bay, staff consider this site to be of high priority.

7. REDEVELOPMENT AGENCY The East Palo Alto Redevelopment Agency adopted resolution 148, on December 17, 1991 to contract with the Board for oversight under Article 12.5 (commencing with Section 33459) of Chapter 4 of the Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code) to remedy or remove a release or hazardous substances from property within a redevelopment area.

To expedite remedial action the Board shall, through this Order, work directly with the property owners. Requirements of this Order shall be in compliance with Health and Safety Code (HSC) Section 33459.3. However, until such time that the East Palo Alto Redevelopment Agency contracts directly with the Board, approval of this action under Section 33459.3 HSC will not be given.

8. COST RECOVERY The dischargers have been advised that the Regional Board intends to enter into cost recovery pursuant to Section 13304 of the California Water Code. This will entitle the Board to seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of wastes and to oversee cleanup of

such waste, abatement of the effects thereof, or other remedial action, required by this Order. The Industrial Property Owners Association, DBA Industrial Development Employment Association (IDEA) shall be the contact for cost recovery billing by the State Water Resources Control Board. IDEA is a privately held corporation for area redevelopment whose membership includes all dischargers named herein. If the City of East Palo Alto Redevelopment Agency becomes involved in this Regional Cleanup Action, the Regional Board intends to continue cost recovery with the dischargers pursuant to requirements of Assembly Bill 3193. Staff began recording time spent on this project beginning February 1, 1992. When billing is initiated, it is anticipated that all time expended on this project beginning on February 1, 1992 shall be recoverable.

9. SCOPE OF THIS ORDER This Order is intended to be the primary document by which a sub-regional cleanup of the Ravenswood Industrial Area will be regulated. The Order contains tasks to submit a site use history, a workplan to determine the extent of soil and groundwater pollution and results of the preliminary investigation, and propose tasks and time schedule for further characterization of pollutants. It is anticipated that this Order shall be updated periodically, as appropriate, and further tasks shall be added which shall lead to the remediation of pollutants within the site or inclusion of additional dischargers.
10. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986. The Basin Plan contains water quality objectives and beneficial uses for South San Francisco Bay and contiguous surface and groundwater.
11. The existing and potential beneficial uses of the groundwater underlying and in the vicinity of the site include:
  - a. Industrial process water supply
  - b. Industrial service water supply
  - c. Municipal and Domestic water supply
  - d. Agricultural water supply
12. The existing and potential beneficial uses of the surface waters (San Francisco Bay and San Francisquito Creek) and wetland include:
  - a. Contact and non-contact water recreation
  - b. Warm and cold fresh water habitat
  - c. Fish migration and spawning
  - d. Commercial and sport fishing
  - f. Preservation of rare and endangered species

- g. Estuarine habitat
  - h. Wildlife habitat
  - i. Salt marsh habitat
  - j. Navigation
  - k. Shellfish harvesting
  - l. Industrial service supply
13. The dischargers have caused or permitted, and threaten to cause or permit, waste to be discharged or deposited where it is or probably will be discharged to waters of the State and create or threaten to create a condition of pollution or nuisance as defined in Section 13050(m) of the California Water Code.
14. This action is an order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321 of the Resources Agency Guidelines.
15. The Board has notified the dischargers and interested agencies and persons of its intent under California Water Code Section 13304 to prescribe Site Cleanup Requirements for the discharge and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
16. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers, their agents, successors and assigns, shall cleanup and abate the effects described in the above findings as follows:

A. PROHIBITIONS

- 1. The discharge of wastes or hazardous materials in a manner which will degrade water quality or adversely affect the beneficial uses of the waters of the State, is prohibited.
- 2. Significant migration of pollutants through surface or subsurface transport to waters of the State, is prohibited.
- 3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of pollutants, are prohibited.
- 4. The storage, handling treatment or disposal of soil or groundwater containing pollutants shall not create a

nuisance as defined in Section 13050(m) of the California Water Code.

B. CLEANUP SPECIFICATIONS

1. The dischargers shall conduct site investigation and monitoring activities as needed to define the current local hydrogeologic conditions and the lateral and vertical extent of soil and groundwater pollution. Should monitoring results show evidence of pollutant migration, additional characterization of pollutant extent may be required.
2. The cleanup standards for source-area soils shall be health-based and protective of human health and the environment. A human health risk assessment shall be the basis for establishing soil cleanup standards, and shall follow EPA guidance. If levels higher than those set by health-based parameters for pollutants are proposed, the discharger must demonstrate that cleanup to lower levels is infeasible, that the alternate levels will not threaten the quality of waters of the State, and that human health and the environment are protected. If levels higher than those set by health-based parameters are proposed, institutional controls shall be considered. If any pollutants are left in the soil, a program of continued groundwater monitoring may be required.
3. Final cleanup standards for polluted groundwater, onsite and offsite, shall be in accordance with State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California". Proposed final cleanup standards shall be based on a feasibility study of remedial alternatives that compare implementability, cost, effectiveness, time to achieve cleanup goals and an assessment of risk to determine affect on beneficial uses, human health and the environment. Assessment of human health risk shall follow EPA guidance. Cleanup standards shall also have the goal of reducing the mobility, toxicity, and volume of pollutants.
4. If groundwater extraction and treatment is considered as an alternative, the feasibility of water reuse, reinjection, and disposal to the sanitary sewer must be evaluated. Based on the Regional Board Resolution 88-160, the dischargers shall optimize, with a goal of 100%, the reclamation or reuse of groundwater extracted as a result of cleanup activities. The dischargers shall not be found in violation of the Order if documented factors beyond the discharger's control prevent the dischargers from attaining this goal,

provided the dischargers have made a good faith effort to attain this goal by feasible and practicable means. If reuse or reinjection is part of a proposed alternative, an application for Waste Discharge Requirements may be required. If discharge to waters of the State is part of a proposed alternative, an application for an NPDES permit must be completed and submitted in a timely manner, and must include the evaluation of the feasibility of water reuse, reinjection, and disposal to the sanitary sewer.

C. PROVISIONS

1. The dischargers shall comply with the Prohibitions and Specifications above, in accordance with the following time schedule and tasks.

- a. TASK: SUBMIT SITE USE HISTORY  
DUE DATE: August 1, 1992

Description: The dischargers shall submit a technical report acceptable to the Executive Officer containing a site use history for each of the properties to include property ownership, use, tenancy, and chemical use, handling storage and disposal practices.

- b. TASK: SUBMIT WORKPLAN FOR SITE INVESTIGATION AND SCHEDULE FOR IMPLEMENTATION AND SUBMITTAL OF FINAL REPORT  
DUE DATE: September 15, 1992

Description: The dischargers shall submit a technical report acceptable to the Executive Officer containing all elements of the workplan for characterization of soil and groundwater pollution at the site. This workplan shall also include a time schedule for implementation and as well as a Sampling and Analysis Plan (SAP), Quality Assurance Project Plan (QAPP) and a Site Health and Safety Plan.

- c. TASK: SUBMIT RESULTS OF INVESTIGATION AND PROPOSE FURTHER INVESTIGATION NECESSARY  
DUE DATE: as proposed in task C.1.b. and approved by the Executive Officer

Description: The dischargers shall submit a technical report acceptable to the Executive Officer containing the results of the investigation as specified in the Workplan. The dischargers shall also propose further investigation necessary to fully characterize the pollutants. A comprehensive program for groundwater

monitoring and schedule for sampling shall also be proposed.

2. The dischargers shall submit to the Regional Board acceptable reports on compliance with the requirements of this Order that contain descriptions and results of work and analyses performed. It is not Board intent to duplicate any reports due, therefore any reports due concurrently may be combined. These reports prescribed below:

- a. The dischargers shall submit bi-monthly status reports on compliance with this Order. The first report shall be for the months of May and June, 1992 and shall be due on July 15, 1992. Thereafter reports shall be due on the 15th day of every other month to cover the previous 2 months. The report shall include at least the following:
  - 1) Summary of work completed since submittal of the previous report, and work projected to be completed before submittal of next report.
  - 2) Identification of any obstacles which may threaten compliance with the schedule of this Order and what actions are being taken to overcome these obstacles.
- b. A program of groundwater monitoring shall be established based on the site investigation report proposal of task C.1.c. The dischargers shall submit reports to the Board on results of groundwater monitoring. Groundwater monitoring reports shall be submitted in accordance with the schedule proposed in Provision C.1.c. and approved by the Executive Officer. All compliance and monitoring reports shall include at least the following:
  - 1) Cumulative tabulated results of water quality sampling analyses for all wells and groundwater pollution plume maps based on these results.
  - 2) A cumulative tabulation of all well construction details, water level measurements and updated piezometric maps based on these results.
  - 3) Reference diagrams and maps including any updated geologic cross sections describing the hydrogeologic setting of the site, and appropriately scaled and detailed base maps showing the location of all monitoring wells and extraction wells, and identifying facilities and structures.

- c. The dischargers shall submit annual summary status reports on the progress of compliance with all requirements of this Order and propose modifications which could increase the effectiveness of final cleanup actions. The first report shall be due on January 31, 1993, and would cover the previous calendar year. The report shall include at least: progress on site investigation and remediation, operation and effectiveness of remediation actions and systems, and an evaluation of the feasibility of meeting groundwater and soil cleanup goals.
3. The dischargers may, by written request, seek modifications or revisions of this Order or any program or plan submitted pursuant to this Order at any time. This Order and any applicable program, plan, or schedule may be modified, terminated or revised by the Board.
  4. If the dischargers may be delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the dischargers shall promptly notify the Executive Officer. If, for any reason, the dischargers are unable to perform any activity or submit any document within the time required under this Order, the dischargers may make a written request for a specified extension of time. The extension request shall include a justification for the delay, and shall be submitted in advance of the date on which the activity is to be performed or the document is due. The Board staff may propose an amendment to the Order and bring the matter to the Board for consideration.
  5. Nothing in this Order is intended or shall be construed to limit or preclude any right the dischargers have or may have to seek administrative and/or judicial review of any orders or determinations of the Board and/or its staff.
  6. All hydrogeological plans, specifications, technical reports and documents shall be signed by or stamped with the seal of a State registered geologist, registered civil engineer, or certified engineering geologist.
  7. All samples shall be analyzed by State certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories or the consultant shall maintain quality assurance/quality control records for Board review for a period of six years.
  8. The dischargers shall maintain in good working order, and operate in the normal standard of care, any facility or control system installed to achieve compliance with the requirements of this Order.




9. Copies of all correspondence, reports, and documents pertaining to compliance with the Prohibitions, Specifications, and Provisions of this Order shall be provided to the following agencies:
  - a. San Mateo County Health Department
  - b. City of East Palo Alto
  - c. Cal-EPA, Department of Toxic Substances Control
  - d. Regional Water Quality Control Board
10. The dischargers shall permit, within the scope of each of their authorities, the Board or its authorized representative, in accordance with Section 13267 (c) of the California Water Code:
  - a. Entry upon dischargers' premises in which any pollution sources exist, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
  - b. Access to copy any records required to be kept under the terms and conditions of this Order.
  - c. Inspection of any monitoring equipment or methodology implemented in response to this Order.
  - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.
11. The dischargers shall file a report in a timely manner on any changes in site occupancy and ownership associated with the facility described in this Order.
12. If any hazardous substance is discharged in or on any waters of the State, or discharged and deposited where it is, or probably will be discharged in or on any waters of the State, the dischargers shall report such a discharge to this Board, at (415) 464-1255 on weekdays during office hours from 8 a.m. to 5 p.m., and to the Office of Emergency Services at (800) 852-7550 during non-office hours. A written report shall be filed with the Board within five (5) working days and shall contain information relative to: the nature of the waste or pollutant, quantity involved, duration of incident, cause of spill, Spill Prevention, Control and Countermeasure Plan in effect, if any, estimated size of affected area, nature of effects, corrective measures that have been taken or planned, and a schedule of these activities, and persons notified.
13. Any provisions of this Order substantially identical to provisions which the State Water Board or a court of law

determines to be in excess of the Board's legal authority shall have no force or effect in this Order.

14. This Order is intended to be the primary regulating document by which site cleanup shall proceed on a regional basis for the dischargers and properties named herein, with the Board as lead agency, and IDEA Corporation as the recoverers contact representing the named dischargers.
15. The Board would like to remind dischargers that a General Industrial Storm Water Permit was adopted by the State Water Resources Control Board on November 19, 1991. This permit will apply storm water discharge from many of the industries located within the Ravenswood Industrial Area. The permit requires dischargers to submit a Notice of Intent to the State Water Resources Control Board by March 30, 1992. To determine if this permit applies to your particular operation or if you have not filed a Notice of Intent, please contact the Division of Water Quality at (916) 657-0756 immediately.
16. The Board will review this Order periodically and may revise the requirements when necessary.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 15, 1992.

  
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Steven R. Ritchie  
Executive Officer

Attachments:

- 1 - List of Dischargers

**Attachment 1**

**LIST OF LANDOWNERS/DISCHARGERS  
EAST PALO ALTO INDUSTRIAL AREA  
East Palo Alto, San Mateo County**

<b>No.</b>	<b>PROPERTY OWNER</b>	<b>PARCEL NUMBER</b>
1.	Dante Bains P.O. Box 50219 Palo Alto, CA 94303	063-240-350, 063-240-400, 063-240-340
2.	Mike Baker P.O. Box 368 Redwood City, CA 94064	063-121-400, 063-121-410
3.	Bruce Baron 255 Demeter St. East Palo Alto, CA 94303	063-123-070
4.	Michael Berthiaume 2536 Pulgas Ave East Palo Alto, CA 94303	063-132-190
5.	Jennie J. Bishop 220 Emerson St. Palo Alto, CA 94301	063-231-180
6.	Robert Borrman 2450 Pulgas Ave East Palo Alto, CA 94303	063-240-390, 063-240-310
7.	Lee Clemons 1800 Bay Road East Palo Alto, CA 94303	063-231-220
8.	Melvin Curtaccio 1925 Bay Road East Palo Alto, CA 94303	063-121-050, 063-121-060, 063-132-100, 063-132-160, 063-132-170, 063-132-120, 063-132-130, 063-132-110, 063-240-320, 063-240-330
9.	Michael Demeter 160 Demeter St. East Palo Alto, CA 94303	063-121-330, 063-121-340, 063-121-360, 063-121-290, 063-121-430, 063-121-120, 063,121-290, 063-132-090
10.	Robert Facciola P.O. Box 50548 Palo Alto, CA 94303-0548	063-050-030

11.	John Garcia 1905 Bay Road East Palo Alto, CA 94303	063-132-140
12.	Harry Higaki P.O. Box 941 Half Moon Bay, CA 94019	063-121-020, 063-121-200, 063-121-210
13.	Saturo and Emma Iwasaki 2519 Pulgas Ave. East Palo Alto, CA 94303	063-131-220
14.	Richard Lake and Mabel Cordes P.O. Box 50367 Palo Alto, CA 94303	063-122-016, 063-122-015, 063-231-240
15.	Helen Engelbert 615 Gloucester Lane Foster City, CA 94404	063-123-010
16.	Menlo Foods 175 Demeter St. East Palo Alto, CA 94303	063-133-080, 063-133-070, 063-133-100
17.	Russ Peck and Thomas O'Conner 1965 Latham Mountain View, CA 94040	063-231-190, 063-231-200
18.	O.B. Ray 225 Demeter St. East Palo Alto, CA 94303	063-123-030, 063-123-080
19.	Ron Rogge 1987 Bay Road East Palo Alto, CA 94303	063-132-220, 063-121-150
20.	Vincent Romelfanger 2520 Pulgas Ave. East Palo Alto, CA 94303	063-132-150
21.	Philip Wang 5 Miller Court Redwood City, CA 94061	063-133-110, 063-133-110
22.	Richard Russel Brown Wood Products 325 Demeter St. East Palo Alto, CA 94303	063-123-060

23.	Henry Wong 1045 Weeks St. East Palo Alto, CA 94303	063-232-240
24.	Don Sevy 3820 Park Blvd. Palo Alto, CA 94303	063-131-300, 063-131-320, 063-131-330
25.	Denny Sibbert 163 Highland Ave. San Carlos, CA 94070	063-132-210, 063-231-260
26.	Tara Association Ted Thompson 410 Cambridge Ave. East Palo Alto, CA 94303	063-132-060
27.	Jess Torres P.O. Box 1270 Mountain View, CA 94042	063-240-420
28.	Charles Touchatt 2535 Pulgas Ave. East Palo Alto, CA 94303	063-121-370
29.	Edward Green 811 Hamilton Menlo Park, CA 94025	063-231-170

